

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2048
94TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 10, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4627S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to college textbooks.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 173, RSMo, is amended by adding thereto one new
2 section, to be known as section 173.955, to read as follows:

**173.955. 1. The provisions of this section shall be known as the
2 "Textbook Transparency Act". For purposes of this section, the
3 following terms mean:**

4 **(1) "Adopter", any faculty member or academic department at an
5 approved institution of higher education responsible for considering
6 and choosing course materials to be utilized in connection with the
7 accredited courses taught at the approved institution of higher
8 education;**

9 **(2) "Approved institution of higher education", an educational
10 institution located in Missouri which:**

11 **(a) Is directly controlled or administered by a public agency or
12 political subdivision;**

13 **(b) Receives appropriations directly or indirectly from the
14 general assembly for operating expenses;**

15 **(c) Provides a postsecondary course of instruction at least six
16 months in length leading to or directly creditable toward a degree or
17 certificate;**

18 **(d) Meets the standards for accreditation as determined by
19 either the North Central Association of Colleges and Secondary Schools,**

20 or if a public junior college created under the provisions of sections
21 178.370 to 178.400, RSMo, meets the standards established by the
22 coordinating board for higher education for such public junior colleges,
23 or by other accrediting bodies recognized by the United States Office
24 of Education or by utilizing accreditation standards applicable to the
25 institution as established by the coordinating board for higher
26 education;

27 (e) Does not discriminate in the hiring of administrators, faculty
28 and staff or in the admission of students on the basis of race, color,
29 religion, sex, or national origin and is otherwise in compliance with the
30 federal Civil Rights Acts of 1964 and 1968 and executive orders issued
31 pursuant thereto; and

32 (f) Permits faculty members to select textbooks without influence
33 or pressure by any religious or sectarian source;

34 (3) "College textbook", a textbook or a set of textbooks used for
35 a course on postsecondary education at an approved public institution
36 of higher education;

37 (4) "Integrated textbook", a college textbook that:

38 (a) Is combined with materials developed by a third party and
39 that, by third-party contractual agreement, may not be offered by
40 publishers separately from the college textbook with which the
41 materials are combined; or

42 (b) Includes functionally interdependent course materials
43 designed to be used solely as a single unit and whose separation would
44 substantially degrade the academic content so that it would not be
45 usable to the student;

46 (5) "Products", all versions of a college textbook or set of college
47 textbooks, except custom textbooks or special editions of textbooks,
48 available in the subject area for which a prospective purchaser is
49 teaching a course, including supplemental material, both when sold
50 together or separately from a college textbook;

51 (6) "Supplemental material", educational material that may
52 accompany a college textbook, including printed materials, computer
53 disks, website access, and electronically distributed materials, that is
54 neither:

55 (a) Bound by third-party contractual agreements to be sold in an
56 integrated textbook; nor

57 **(b) A component of an integrated textbook.**

58 **2. Each publisher of college textbooks shall provide, upon**
59 **request, the following information to faculty members or adopters at an**
60 **approved institution of higher education, whenever the publisher**
61 **provides a faculty member or adopter with information about the**
62 **publisher's products:**

63 **(1) The price at which the publisher would make the products**
64 **available to the campus bookstore;**

65 **(2) The substantial content revisions for such products made**
66 **between a current textbook edition and the previous edition, if any;**

67 **(3) The copyright dates of all previous editions of such college**
68 **textbook in the preceding ten years, if any; and**

69 **(4) Whether the products are available in any other format,**
70 **including paperback and unbound, and the price at which the publisher**
71 **would make the products in the other formats available to the campus**
72 **bookstore.**

73 **3. A publisher that sells a college textbook and any supplemental**
74 **material accompanying such college textbook as a single bundle shall**
75 **also make available the college textbook and each supplemental**
76 **material as separate and unbundled items, each separately priced.**

77 **4. Where existing technology and contracts make it feasible, an**
78 **approved public institution of higher education shall develop a policy**
79 **that permits students to use financial aid that has not been disbursed**
80 **for tuition or fees to purchase required textbooks for courses taught at**
81 **the institution at stores on the campus of the institution.**

82 **5. To the extent practicable, an approved institution of higher**
83 **education shall encourage faculty members or adopters to place their**
84 **initial orders for college textbooks with sufficient time for the campus**
85 **bookstore to factor such information into student buyback, research the**
86 **availability of the course material, and exchange, when appropriate,**
87 **relevant information with faculty to support effective use of course**
88 **materials such as bundles and to promote cost efficiencies for students.**

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